

REMARKS

This amendment, and the following remarks, is in response to the most recent Notice of Non-responsive Reply ("the Notice") dated June 23, 2009. This amendment replaces the proposed amendment of November 10, 2008, which was not entered, and which Applicants instruct should not be entered.

The Applicants respectfully traverse both the Notice, and the pending 35 U.S.C. § 112, first paragraph rejections of the Non-Final Office Action. The Applicants respectfully request that the present amendment be entered into the record, that the 35 U.S.C. § 112, first paragraph rejections be withdrawn, and that the claims be allowed.

In page 2 of the Notice, the Examiner concedes that paragraph [0014] of the present application's PG-PUB provides support for the feature "a first driver to drive the image sensing device to vertically mix or cull signal charges accumulated in individual pixels of every K pixels to produce a number of lines of output signals which corresponds to the number of effective scanning lines M, K being at least one of integers equal to or less than an integral part of a quotient of N divided by M" recited in claim 11 (emphasis in the original).

In the Notice, however, the Examiner also asserts that he "cannot find support" in the specification, either in paragraph [0014] or elsewhere, for other features recited in originally filed claims 10 and 11 that were retained in the amendment of Nov. 11, 2008, and are retained in the present amendment. In particular, the Examiner refers to the features of "a driver to drive the image sensing device ... a number of lines of output signals which corresponds to 1/K the number of vertically arranged pixels N of the image sensing device" in claim 10, and the feature of "a second driver ... a number of lines of output signals which corresponds

to 1/K the number of vertically arranged pixels N of the image sensing device" in claim 11.

In regards to the feature of "a number of lines of output signals which corresponds to 1/K the number of vertically arranged pixels N of the image sensing device." the originally filed claims 10 and 11 both recite this feature.

In regards to support in the specification for this feature, the Applicants refer the Examiner to MPEP § 2163.06 (III), which says (emphasis added): "the claims as filed in the original specification are part of the disclosure and therefore, if an application as originally filed contains a claim disclosing material not disclosed in the remainder of the specification, the applicant may amend the specification to include the claimed subject matter." In re Benno, 768 F.2d 1340, 226 USPQ 683 (Fed. Cir. 1985).

Furthermore, this feature is equivalent to the feature that the Examiner has conceded (in page 2 of the Notice) is supported in the specification. The "first driver mode" in amended claim 11, which the Examiner concedes is supported in the specification, recites the formula $K \leq N/M$; while the "second driver mode" in claim 11 also recites a version of the formula $M \leq N/K$ by disclosing "a number of lines of output signals which corresponds to 1/K the number of vertically arranged pixels N of the image sensing device."

The Applicants therefore respectfully request that the present amendment, which amends the feature of "a number of lines of output signals which corresponds to 1/K the number of vertically arranged pixels N of the image sensing device." as recited in originally filed claims 10 and 11, into page 6 lines 5-18, and page 24, lines 5-14 of the specification, be entered into the record. As a result of this amendment,

a rejection on the basis of 35 U.S.C. § 112, first paragraph for "lack of support" should be withdrawn.

In regards to features of amended claim 11 ("a driver including a first driver mode," and "said driver also including a second driver mode," and "wherein the driving by the first driver mode and the driving by the second driver mode are selectively switched according to input information from a switch provided inside or outside the electric camera"), these features are disclosed, for example in paragraphs [0030] and [0032]-[0033] of the patent application publication 2004/0046884, and elements 14, 11, and 4 in Fig.1. Paragraph [0030] discloses, for example, that mode selector switch 14 is "a mode selector switch to change over the operation mode between the moving video taking and the still image taking." Therefore, the mode selector switch changes operation between modes. Paragraph [0030] also discloses a control circuit 11 "to control these constitutional elements according to the operating state."

In accordance with the above cited portion of paragraph [0030] of the specification, Claim 11 recites that a "second driver mode" produces a number of lines of output signals "during a vertical effective scanning period of the television program," while the "first driver mode" makes no mention of "a vertical effective scanning period of the television program."

Furthermore, paragraph [0032] discloses that "[r]eferring back to FIG. 1, the operation performed when the moving video mode is selected by the mode selector switch 14 will be explained." Figure 1 also shows that the mode selector switch 14 is connected to a control unit 11 which is, inter alia, connected to a drive circuit 4. Therefore, the applicants respectfully submit that there is currently sufficient support in the specification for claim 11.

As discussed in the previous amendment of Nov. 10, 2008, which was not entered, claims 10 and 11 have been amended to consistently recite the definition of K as "K being at least one of integers equal to or less than an integral part of a quotient of N/M" (emphasis added) as included in original claim 11, as well as throughout the specification including for example at page 6, lines 5 - 18 and page 24, lines 5 - 14. Also, claim 11 has been amended to recite "effective scanning lines M", as suggested by the Examiner, noting that in the preliminary amendment filed September 12, 2003, the retyping of claim 11 inadvertently utilized "N" rather than "M", noting that original claim 11 recited "M".

With regard to the claim objections to claims 11 and 17 - 21 concerning the informality, as noted by the Examiner, claim 11 has been amended to recite "effective scanning line M", and by the present amendment, such amendment has been affected such that the objection to so claims should now be overcome.

With regard to the rejection of claims 10 - 21 under 35 USC 112, first paragraph, as pointed out above, the definition of "1/K" as recited in the original claims 10 and 11 of this application, has now been incorporated in the specification, and therefore, applicants submit that the rejection of claims 10 - 21 under 35 USC 112, first paragraph, should now be overcome.

Applicants note that no claims have been rejected over prior art, and in view of the amendment of the specification, claims and abstract, applicants submit that this application is in compliance with 35 USC 112, first and second paragraph, and all claims should now be in condition for allowance.

Accordingly, issuance of an action of a favorable nature is courteously solicited. If the Examiner believes that there are any other points which may be clarified or otherwise disposed of either by telephone discussion or by personal

interview, the Examiner is invited to contact Applicants' undersigned attorney at the number indicated below.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account No. 01-2135 (Docket No. 500.38315VX2), and please credit any excess fees to such Deposit Account.

Respectfully submitted,

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